IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2081 OF 2007

Mr. Nitin S. Shetty & Ors. ..Applicants

Vs.

The State of Maharashtra and anr. ..Respondents

Mr. Mihir Gheewala for applicants.
Mr. A.S. Shitole, APP for State.
Respondent No.2-wife is present in person.

CORAM: B.H. MARLAPALLE, J.

Date : July 04, 2007.

P.C.:

1. This application has been taken out for quashing of the proceedings in C.C. No.154/PW/2005 pending before the 18th Metropolitan Magistrate's Court at Girgaon, Mumbai for the offences punishable under Sections 498-A and 406 read with Section 34 of IPC and arising from C.R. No.96 of 2005 registered with the D.B. Marg Police Station at Mumbai. The applicant no.1 is the husband of respondent no.2 and applicant nos.2 and 3 are the parents of applicant no.1. The applicant no.1 has also filed M.J.

Petition No.A-587 of 2005 before the Family Court and in the same petition the parties have filed consent terms on 14/6/2007 for divorce by consent. The petition before the Family Court is likely to come up for further appropriate orders on 16/7/2007, as stated by the learned counsel for the applicants across the bar.

2. The applicant no.1-husband as well as the respondent no.2-wife are present before me today. They were directed to appear before the Registrar (Judicial) for verification. They have reaffirmed that they are bound by the consent terms submitted in M.J. Petition No.A-587 of 2005 before the Family Court at Mumbai and they also admit that consent terms have been signed by them willingly and with an intention to separate by mutual consent in the interest of each other. Both the parties, therefore, pray for quashing of the proceedings in C.C. No.154/PW/2005 by following the law laid down by the Apex Court in the case of B.S. Joshi and ors. vs. State of Maharashtra and anr. [(2003) 4 SCC 675].

3. Hence, the application is allowed and the proceedings in C.C. No.154/PW/2005 presently pending before the 18th Metropolitan Magistrate's Court at Girgaon, Mumbai along with C.R. No.96 of 2005 lodged with the D.B. Marg Police Station, Mumbai are hereby quashed and set aside. Consequently, the Bank Guarantees furnished by the applicants with the D.B. Marg Police Station stand released after the amount of Rs.5,65,000/- in terms of full and final settlement is received by the respondent no.2-wife. The bail bonds stand cancelled after the said amount is paid by the applicant-husband to the respondent no.2-wife.

(B.H. Marlapalle,J.)